

Crime Laboratory Commission Meeting

October 9, 2013

OFFICE OF ATTORNEY GENERAL

3'RD FLOOR CONFERENCE ROOM

150 SOUTH MAIN STREET

PROVIDENCE, RHODE ISLAND 02903

2:00 PM

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Professor E. Paul Larrat, Interim Dean URI School of Pharmacy; Chief Joseph Tavares East Providence Police Department representative of RI Police Chief Association; Nancy Haley; Clay Choquette.

I. INTRODUCTION

A. Welcome to Commission Members

Meeting was called to order by Gerald Coyne @ 2:00 PM, and was then turned over to Director Hilliard.

B. Approve Minutes of July 10, 2013

A motion was made to approve the minutes of the July 10, 2013 meeting by Gerald Coyne. Clay Choquette made a motion to approve, Nancy Haley seconded the motion. All were in favor. Minutes were approved.

II. FUNDING

A. Budget FY 2013

a. State Appropriation

Packets were distributed at the start of the meeting by Director Hilliard, which included spreadsheets for FY2013 and FY2014. Members were then asked to look at FY2013 spread sheets, which show budget expenses and balances. The budget was originally funded at \$859,820.00 but then was reduced to \$855,659.00 due to budget reduction in Staff Benefits Allocation. At the last meeting it was explained that there would be a surplus of about \$67,000.00. The surplus actually turned out to be \$62,342.00 after FY2012 deficit reductions of \$13,800.00, holding money for the 13'th pay period encumbrance and removal of purchasing encumbrances. This money will be rolled over to FY2014. Eighty percent of that money has already been placed in 2014. The remainder of the monies will be added by the end of October, 2013. Any questions – none.

b. Coverdell Grant FY 2012

The Laboratory was given a discretionary award of \$14,291.25. These funds are used to support the Quality Officer Position. At the last meeting it was explained to the Commission that the funds were expended in May of 2013.

c. Byrne Grant FY 2012

The grant award was for \$12,279.00 which was used to support our NIBIN position which was student help. All of the funds were expended by September 30, 2013.

Any questions - None.

B. Budget FY 2014

a. State Appropriation

We were awarded \$1,027,327.00 from the State Appropriations and then we have the rollover from FY2013, leaving an available balance of \$1,089,669.00. On the second budget sheet which is labeled FY2014 is a budget which includes 80% of the rollover under carry forward budget balance which is \$49,000.00 or 80% of the \$62,000.00. As stated above this has already been placed in the budget and the remainder will be placed at the end of this month. These monies will be used within the budget to cover expenses such as equipment, and we have discussed an IT person part time.

i. New FTE: Criminalist II - We did hire a new full time examiner Karen Valero. Karen has been a contract employee of the Laboratory since 1999. We had gone through the search process, following URI procedures for hiring and we had placed that funding into the FY2014 budget which combined two part time positions that we had thus creating one single FTE. Jerry – at the last meeting we talked about that process you said that the position had to be posted through URI were any applications received? Director Hilliard explained that there were two other applications received who said that they had the

educational and experience, but in actuality they did not. Their transcripts and their previous employment records were reviewed and neither had worked in the field as was requested. One of the candidates was a Police Officer with West Warwick who had fingerprint experience but he did not have a science degree. The other applicant had a science degree but did not have any work experience. At that point Karen was selected to be the best suited candidate for the position. The position entails assisting in the FA section with tool marks which is her forte, NIBIN entries, and when she is available she takes in all the evidence and maintains the evidence room. . Karen will have to be trained in some areas particularly NIBIN. Originally, we thought that she could be trained by one of our two firearm examiners, but after ATF reviewed his records they said that he was not able to train her. Rather than bring the trainers up to the Laboratory to train personnel we are going to send both Karen and Neil Clapperton to the ATF Laboratory. One will go in November and the other will go in January. There is no fee for the training it is just a matter of paying travel and per diem expenses which will come out to about \$2,000.00 per person; whereas having someone come up to the Laboratory to train will cost about \$8,000.00. Part of the rollover funds will pay for that training.

ii. Rollover funds will provide part-time funding for an IT position to assist with maintaining personal computers, digital archiving and website maintenance. Right now there are some computer issues whereas a computer failed which is attached the CG/MS. This is explained under instrumentation.

iii. Instrumentation: Funds were requested for two new pieces of equipment and the Laboratory was granted funds for one. It was asked if one could be postponed until next year which was agreed upon. The Laboratory will be purchasing one new instrument to replace an aging one in the Trace Section of the Laboratory: CG/MS (which had a recent computer crash see above) will be replaced. There is approximately \$144,000.00 in funding and the bids coming in for the CG/MS are about \$125,000.00. Unfortunately, the computer on the old instrument which was purchased in 2003 crashed and there is no compatible computer to replace this. Right now a variety of options are being looked at to get this back up and running. At the present time no arson cases can be worked on due to the computer failure. Mr. Coyne asked if a new computer could be put on the existing instrument or is a computer needed that is dated back with the machine; Director Hilliard explained that this is what is being looked at right now.

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A new computer could be put on the existing instrument but new software will need to be purchased to run the instrument and then you have to update the instrument itself. Director Hilliard then explained that he would be talking to the manufacture actually the day following the meeting to see what options would be available. Director Hilliard stated that his preference is to get the present

instrument up and running so that there is an instrument in place until the new one is available which will take approximately two months. Mr. Coyne then asked if there was any other GC/MS available which The Laboratory could use in the short term. Director Hilliard then stated that the Laboratory would have to go to Connecticut or Massachusetts and that this type of instrument is very difficult to share. If a priority case did come in the Laboratory would have to seek help from either Massachusetts or Connecticut. Director Hilliard also explained that once the new equipment was put in place the old system would still have to be up and running for at least two to four months, and once the new equipment was up and running the older piece would then be used for training purposes. Mr. Coyne then asked Director Hilliard what his recommendation would be. Director Hilliard stated that his recommendation would be to purchase a new computer for the old piece of equipment. A FTIR will be purchased in 2015 if budget allocation is maintained or increased, but URI is doing a midyear review and they suggested that funding for that piece of equipment be asked for now. Director Hilliard stated that he would ask for the \$140,000.00 to be added to the FY2014 budget to purchase this equipment. The logic for this is that the same problem which happened to the GC/MS could happen to the FTIR with the computer failing.

C. BUDGET FY 2015 & FY2016 PROPOSALS Spreadsheets provided

a. The University Budget Office has requested that two budgets be submitted for FY2015, one is a Target Budget which

includes a 7% reduction over the FY2014 allocation and one that projects the needs of the Laboratory without any restrictions. The Target Budget drops the total down to \$967,000.00 cutting out money for equipment. In the second column of the second budget which is what the Laboratory needs comes out to about \$30,000.00 more than was awarded this year. This includes money for new instrumentation. URI also requested a projected budget for FY2016 .This was prepared based on the unrestricted FY2015 budget request. The budget sheets and narratives that were provide to the Budget Office is provided for review at the Commission member's leisure and if there were any questions to contact Director Hilliard.

b. The FY2015 budget also includes a one-time only supplemental budget request for the anticipated move to the West Kingston facility. Based on the square footage in the building to be dedicated to the laboratory, which is approximately 6,,000 square feet the projected cost of renovation is \$100.00 per square foot, which means we will need approximately \$700,000.00. RICAP, will be asked for this funding. The next expense would be for moving and security of the building which is \$79,609.00. As the new facility is located in a remote area locks on doors, camera systems for monitoring of the building along with cameras in the firing tank facility needs to be done. Sheets showing these expenses are also in the packets. Nancy Haley then asked if the move was definite. Director Hilliard explained that he has been told by the University Planners that Administration wanted this to happen. Negations are going on with the departments who currently occupy the building.

D. OTHER SOURCES OF FUNDING

a. Coverdell FY 2013: Discretionary and Competitive

The Laboratory was notified September, 2013, that the request for \$175,000.00 in Competitive Funding through Coverdell was denied. Discretionary funds which

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are shared equally with DOHFSI, CL, OCME, RISP CPU have been awarded in the amount of \$13,092.00 each. This is approximately \$1,200.00 less than last year's award. This was approved by the Policy Board last week. Previously these funds were used to support our Quality Officer. Now that we have a full time employee these funds will be used for educational conferences such as registration, and travel expenses for laboratory staff. Due to Government shut down the distribution of these funds will be delayed.

b. Byrne FY2013

Previous funding has come from the State Side; however, the state side requests exceeded the available funding and Mr. LeDoux suggested that the Laboratory apply for Local Funding, as there were some supplemental funds available. Director Hilliard appeared before the Law Enforcement Planning Committee and requested \$20,000.00. This was then approved by both The Law Enforcement Planning

Committee, and also the Policy Board. This money will be used to supplement the NIBIN training and buy some equipment for firearms and latent print sections. This award is also delayed due to Federal Government shutdown.

c. Other Sources of Funding

Google Fund Request Status - there has been no movement either way on our proposal submitted. Money is expected from the URI Foundation in December, 2013. The use of OSHEAN Network to relieve the cost of the T-1 line for AFIS transmission has been researched and at this time the implementation of the network connection and the monthly fee far exceeds the current cost of the T-1 line.

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III: LABORATORY STATUS

A. Laboratory Progress Report

a. January 1 -September 30, 2013

Case submissions are up over 2012 and 2011; a more complete analysis will be provided in the Annual Report. The report in the packet basically shows where the cases are coming from, and again the most cases are coming out of Providence Police Department and Cranston Police Department. For this period 568 cases were closed with 610 reports issued. Backlog cases as of 9/30/2013 are 469 firearms; Latent prints 72; NIBIN 500; and Trace 35. Right now there seems to be more firearm cases coming into The Laboratory. The Latent Print Section has two issues with IAFIS which is being worked on though the Attorney General's office. The problem seems to be a

matter of updating the Cogent System because the software does not recognize the format of the image. Clay Choquette asked if it was the software in the Laboratory and Director Hilliard stated that it was the software for the State. Director Hilliard stated that he would be meeting with Chief Karalis of BCI after the meeting today. 615 cases have been received to date which puts the Laboratory on a projected amount of 820 cases for the year. If this continues, numbers will exceed our previous record year of FY2011 by about 8 cases. Director Hilliard also stated that they are seeing more resubmissions from previous years which are not accounted for on the reports, and he stated that he asked Jane to go in and see exactly how many cases had been resubmitted as they will not show up in the 2013 submissions

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because they do not get a new number in year 2013, they retain the number that was previously assigned. This revealed that 23 cases cases were resubmitted and some went as far back as 2004. These cases were resubmitted for re-examinations or for new comparisons. Nancy Haley asked if this was unusual. Director Hilliard stated that yes in fact it is because of the high number. Usually there may have been two to three cases in previous years. Director Hilliard then stated that one reason could be an interest in cold cases. Chief Tavares then asked if there is some type of new equipment that the Laboratory has now that would make a difference, and Director

Hilliard stated that the AFIS equipment has been in place for the past five to six years, and cases might be resubmitted for AFIS identification. Staffers continue to present at Lectures, Workshops, and Laboratory Tours and are taking advantage of a variety of training opportunities. Personnel have also been to court eight times and have testified in six cases. One person had to go to court three times on the same case. Director Hilliard also stated that just in the last couple of months, personnel assisted South Kingston Police Department in processing a vehicle for biological and trace evidence. There are 34 police and fire personnel registered for the Criminal Investigation Course which started on September 6, 2013.

. b. Staff Appointments to Boards and Committees

Several staff members continue to serve on state, regional, and national committees. Director Hilliard was asked to serve on the URI Search Committee which reviewed applications and then made recommendations of candidates for the position of Director of Public Safety at URI. Major Steven Baker was appointed to that position in July, 2013.

B. ISO/IEC Accreditation

The Laboratory staff is working on two areas of improvement which was recommended during the last audit. One was a Code of Ethics Document which has been drafted and will be incorporated into the Laboratory Policies and Procedures Manual. A statement of accreditation by FQS under the ISO17025 standards will be placed in all Laboratory reports by January 1, 2014. The next inspection will be a desk audit spring, 2014.

C. Space Allocation

As discussed previously The Laboratory is in discussions with the University Planner and an architect on space usage and needs for the planned move to the facility in West Kingston. As previously mentioned, the University is seeking RI Capital Improvement Project funds from the state for that purpose in the amount of \$700,000.00 along with the funds for moving which was requested in the FY2015 budget request as a supplemental request. Plans which were drawn up during the State Police Building project have been given to the architects to give them ideas of how space in the West Kingston facility should be renovated for the use of the Laboratory.

IV. NEW BUSINESS

A. Appointment of Staff Positions within the State Crime Laboratory

As mentioned earlier Karen Vallaro was selected to be appointed to the position of Criminalist II, within the Laboratory and she has stated her position in September, 2013. At this time the Commission is being asked to approve her appointment to the position of Criminalist II. Motion was entertained by Nancy Haley and was seconded by both Chief Tavares and Clay Choquette. All were in favor.

B. As mentioned at the last Commission meeting the Federal DOJ and NIST have proposed to create a Forensic Science Commission. Applicants for this Commission membership were solicited April of 2013 and Director Hilliard had explained that he had applied. Selection of 32 individuals for this Commission has been made but to date no one has been notified. Director Hilliard stated that the notices should have been out by the end of September, but no rejection or acceptance notifications have been received. NIST has also announced an “invitation for interested parties to provide their perspectives on the appropriate model for NIST administration of discipline-specific Guidance Groups” in the Federal Register Volume 78, No. 188, Friday September 27, 2013 Notices, page 59654-59656, which is enclosed in the packets. Director Hilliard then explained that as Chair of SWGFEX and Chair of the SWG Chairs group, he would be involved in proposing a response to NIST and welcomed members of the Commission to become involved with any comments or suggestions that they might want to recommend. The deadline is November 12, 2013.

C. Director Hilliard then asked if there was any other business to discuss. Chief Tavares then commented on the Google issue. He stated that in his updated spending plan for the remainder of the of the funds which are left in the funding to East Providence Police Department that he has a category for outside partners which includes The Crime Laboratory, DOC, etc.

He stated that he has submitted his plan to the Planning Committee for their review and as time progresses Chief Tavares explained that

he hoped to have more information for Director Hilliard.

As there was no further business to discuss Deputy Attorney Gerald Coyne made a motion to adjourn, with all members in favor; the meeting was adjourned at 2:40 PM.

Minutes taken and transcribed by:

Monica A. Nason, Department of Attorney General